

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 24 2008

In re application of

McCAUSLAND, Linda, Jane et al.

Serial No. 10/591,795

Filed: (September 6, 2006)

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PCT LEGAL
ADMINISTRATION

Attorney Advisor:

James Thomson

For: REMOVAL OF SODIUM OXALATE FROM A BAYER LIQUOR

REQUEST FOR RECONSIDERATION
OF
RULE 47 PETITION

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a response to the Decision dated 21 April
2008.

Submitted herewith is a DECLARATION OF FACTS which has
been executed by Peter T. Mansfield in accord with 18 U.S.C.
1001.

In view of the stated facts and supporting documents
attached thereto, taken in conjunction with the information in
the submission of October 10, 2007, it is submitted that the
application should now be accepted under the provisions of 37
CFR 1.47 (Rule 47).

The joint inventor, Linda Jane McCausland's previous
address of West Lafayette, Indiana is no longer current. On
information and belief, she has now returned to the United

Kingdom and a suitable home address would be:

20 Shepherd Gardens
Abingdon
Oxon
OX 14 5PR
United Kingdom

RECEIVED

JUN 24 2008

PCT LEGAL
ADMINISTRATION

Favorable action is courteously requested.

Respectfully submitted,

June 23, 2008 (Monday)



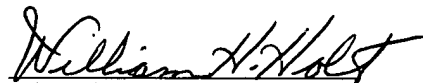
William H. Holt
Reg. No. 20766
Customer No. 25628

Law Offices of William H. Holt
12311 Harbor Drive
Woodbridge, VA 22192

Telephone: (703) 491-8880
Facsimile: (703) 491-8444
e-mail: WilliamHolt@HoltLawOffices.com

Certificate of Mailing

I certify that this document is being mailed in an envelope address to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with postage prepaid for first class mail on June 23, 2008


William H. Holt

DECLARATION OF FACTS

IN THE MATTER OF UNITED STATES PATENT APPLICATIONS:

Serial No. 10/591,795, McCausland, Linda Jane *et al.* - (File 15819)

Serial No. 11/571,718, McCausland, Linda Jane *et al.* - (File 15862)

Serial No. 11/629,894, McCausland, Linda Jane *et al.* - (File 15864)

Serial No. 11/571,688, McCausland, Linda Jane *et al.* - (File 15865)

I, Peter T. Mansfield, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 United States Code, Section 1001, and that such willful statements, and the like, may jeopardize the validity of the respective applications and any resulting Letters Patents, declare:

That I am a Chartered Patent Attorney practicing in the United Kingdom.

That I am properly authorized to execute this Declaration on behalf of the owner, Accentus plc, of the above identified applications for patent and the inventions disclosed therein.

That I have first hand knowledge of the following facts, statements and documents.

That I have been and am presently involved with the prosecution of the above four identified U.S. Patent Applications and prior related PCT applications.

That Linda Jane McCausland, by the terms of her employment at the time of making of the inventions, and by virtue of United Kingdom law (where she was working at the time of making the inventions), is obligated to sign the papers for filing of the four application described above.

I attach bundles of papers extracted from our records for each of the highlighted cases. In each case the original application was filed as a PCT application, and was published as a PCT application, and the published PCT specification (which became the national phase document submitted for the US filing) including drawings and claims, was sent to all the respective inventors. Consequently a second copy of the specification was not sent along with the US papers for signature, as each inventor already had a copy.

The documents from our records are as follows (describing them in chronological order):

15819 MdH:

21 September 2005 mail book extract - PCT published specification sent to Linda McCausland

4 August 2006 covering letter sent to Linda McCausland with Declaration and Assignment

4 August 2006 mail book extract for sending these papers by courier

14 September 2006 note of my telephone conversation with Linda McCausland

19 September 2006 note of my telephone conversation with Linda McCausland

17 October 2006 note of my telephone conversation with Linda McCausland

17 October 2006 e-mail to Linda McCausland

18 October 2006 exchange of e-mails about payments with Linda McCausland

12 December 2006 note of my telephone conversation with Linda McCausland

18 December 2006 e-mail to Linda McCausland requesting update

2 February 2007 e-mail to Linda McCausland regarding signatures

It will be appreciated that from 30 October 2006 onwards the above exchanges actually relate to the cases 15819, 15864 and 15865; while from 30 December 2006 onwards they also relate to 15862 MdH.

15862 MdH:

19 January 2006 mail book extract - PCT published specification sent to Linda McCausland

22 December 2006 mail book extract for sending US forms and letter to Linda McCausland

22 December 2006 covering letter with papers sent to Linda McCausland

15864 MdH:

4 January 2006 mail book extract - PCT published specification sent to Linda McCausland

30 October 2006 mail book extract for sending US forms and letter to Linda McCausland

30 October 2006 covering letter sending US forms to Linda McCausland

15865 MdH:

19 January 2006 mail book extract - PCT published specification sent to Linda McCausland

30 October 2006 mail book extract for sending US forms and letter to Linda McCausland

30 October 2006 covering letter sending US forms to Linda McCausland

It will be appreciated that the last two items are the same as those under File 15864 MdH.

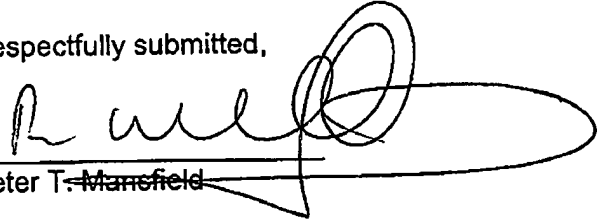
It will be evident from the telephone conversations and e-mail exchanges with Linda McCausland (provided above under 15819

MdH) that she has not refused to sign the documents; nor has she raised any reason why she should not sign them. But nevertheless she has not signed any of these documents over a period of almost two years.

In view of the foregoing, one must conclude that the conduct of Linda Jane McCausland constitutes a refusal to sign the application papers (MPEP 409.03(d)).

June 23, 2008

Respectfully submitted,


Peter T. Mansfield

IN THE MATTER OF UNITED STATES PATENT APPLICATION
Serial No. 10/591,795, McCausland, Linda Jane *et al.*

(File 15819)

✓
Wednesday 21 September 2005

15935 TPCX Andrea Bennett
Culham

Copy of e-Mail encl.
Peng et al article, W002/093187
GB 2402224, US 2003/0057918
US 6157169, US 5936383,

15902 MdH Khaitan + Co
India

Cover
letter encl. Certified
copy of priority doc

15949 MdX Patent Office
Newport

letter encl. formal
drawings

15949 MdX km Barchin
Choleau
M. Feast } All
B. Drew } Stanford
L. Mitchell }
R. Duggan }
J. Huist
Enco

Blue covered copies

15902 MdX Eitan Law Group
Israel

Cover
letter encl. Certified
Copy of Priority doc

→ 15819 MdH Linda McCauley
USA
Martin Farrell
Ireland

← Copy of PCT published
spec.

15826 MdDe Matthew Carter
hock

" " " "

COURIER

Linda McCausland
c/o SSCI Inc.
3065 Kent Avenue
West Lafayette
IN 47906
USA

Fugro House
Hithercroft Road
Wallingford
Oxfordshire
OX10 9RB
United Kingdom
Tel: +44 (0)870 402 1614
Fax: +44 (0)870 402 1659
www.ip-solutions.biz

Reference: 15819 MdH ✓

4 August 2006

Dear Linda,

REMOVAL OF SODIUM OXALATE FROM A BAYER LIQUOR

Further to your telecom with Peter yesterday, please find enclosed the following documents for filing a national phase patent application.

South Africa : Assignment: this needs signature and date of signing
ARIPO : Assignment: this needs signature and date of signing
OAPI : Assignment: this needs place of signing, signature and date
Canada : Assignment: (in duplicate) these need place of signing, signature and date, these assignments also need witnessing.
Brazil : Assignment: this needs place of signing, signature and date

USA: Combined Declaration: needs your signature and date in the boxes marked. Please sign with your full name "Linda Jane McCausland".

USA: Assignment: this needs your full signature on the back, with date and place as marked, and also needs two witnesses; each witness should also give their name in capitals, occupation, and home address.

Please ensure that the USA Combined Declaration and USA Assignment are both dated the same day.

I believe that you will be bringing these documents back with you when you visit the UK shortly. If you would like to give me a ring when you arrive I can make arrangements to pick them up or if you would rather you can send them by mail.

Yours sincerely,

**Frances Esplin
Patents Administrator**

15983 MDOx Nakamura + Partners Fax + Mail 1.44
15984 MDOx Japan Appn to register TM

15983 MDOx Depanning + Depanning Fax + Mail 1.51
15984 MDOx India Appn to register TM

15983 MDOx Lane Officer of Fax + Mail 2.91
15984 MDOx William H. Holt Appn to register TM
USA

13439 ANH TUV Product Services letter incl. Korean let
Fuehson POA
FAO Gaig Omerod

15986 MDR Nigel Shano letter incl. POA 61
Arlington for leg + item for
retaining

✓ Friday 4 August 2006

15983 MDOx OHM Fax Only
15984 MDOx Alicante Request for cert
15985 MDOx copy of appn

15819 Mdh Linda McCumland Courier
SGC 1 C letter and. forms
USA for signature

15998 Mdh T. Reading 401.8 Blue Covered 6x6
Mike Bower, Preston copies
Bob Paul 401.8
Ross Morgan 149
Clive Lee-Tuffnell, Poole
John Lander 149

→

Linda Tel: 14/9/06.
May be back
in office next week.

→

Tel: Linda 14.9.06
She'll deal with them - when she
has time

→

Tel: 17/10/06 message left
- she'll deal this week (or so)
- she needs to be paid/reinsured.

J: ie Mannion

From: Peter Mansfield
Sent: 17 October 2006 16:50
To: lmccausland@SSCI-INC.com
Subject: Documents for signature

To Linda McCausland

Re: removal of sodium oxalate

ref: 15819 MdH ✓

Dear Linda

Thanks for discussing the matter of the various documents that you are signing relating to the above case.

You suggested that there might be some outstanding cost implications. You are of course right that last summer you had your signature witnessed by a notary - that was for documents on the cases 15864 and 15865 MdH. But as far as those were concerned, we then received an invoice from SSCI last year, which has been paid.

As regards the current set of papers - the ones that Frances sent you on 4th August - you will recall that we had hoped to see you while you were in the UK. That would have provided a convenient opportunity to hand over the requisite £2. Since that didn't work out, we'll have to find another route. We'll be sending you some more papers on 15864 and 15865 MdH in the next week or so (equivalent to the ones already sent you on 15819 MdH), so that'll provide a convenient opportunity for dealing with the payments all at once.

I look forward to hearing from you.

Best wishes

Peter

Peter Mansfield
IP Solutions, Fugro House, Hithercroft Road, Wallingford, Oxon., OX10 9RB, UK

18/10/2006

J& Mannion

From: Peter Mansfield
Sent: 18 October 2006 09:19
To: Linda McCausland
Subject: RE: Documents for signature

✓ Tel: 28/11/06 message
 Linda is travelling (on business)
 for the next two weeks.
 ✓ Tel: 12.12.06 Linda - just back from trip US + EU.
 - off again soon.
 - will do this...

Dear Linda

The symbolic payment of £1 applies only to the US and Canada. That's why it's only £2 so far.
 If there are (as I expect) equivalent forms for the other two cases (15864 & 15865 MdH), then it will amount to £6.

Best wishes
 Peter

From: Linda McCausland [mailto:lmccausland@SSCI-INC.com]
Sent: 17 October 2006 17:40
To: Peter Mansfield
Subject: RE: Documents for signature

Dear Peter,

Since leaving Accentus I have signed several patent documents and have not received the one GBP payment for any these. Off the top of my head I can't remember how many there were, but certainly more than 2. I also took the time to visit your notary in Abingdon to sign some documents last May.

I will put together an invoice for my time in addressing these issues, perhaps you could let me have the correct figures for the monies I'm owed and I'll add it to the invoice.

Best Regards,
 Linda

From: Peter Mansfield [mailto:peter.mansfield@ip-solutions.biz]
Sent: Tuesday, October 17, 2006 11:50 AM
To: Linda McCausland
Subject: Documents for signature

To Linda McCausland

Re: removal of sodium oxalate

ref: 15819 MdH ✓

Dear Linda

Thanks for discussing the matter of the various documents that you are signing relating to the above case.

You suggested that there might be some outstanding cost implications. You are of course right that last summer you had your signature witnessed by a notary - that was for documents on the cases 15864 and 15865 MdH. But as far as those were concerned, we then received an invoice from SSCI last year, which has been paid.

As regards the current set of papers - the ones that Frances sent you on 4th August - you will recall that we had hoped to see you while you were in the UK. That would have provided a convenient opportunity to hand over the requisite £2. Since that didn't work out, we'll have to find another route. We'll be sending you some more papers on 15864 and 15865 MdH in the next week or so (equivalent to the ones already sent you on 15819 MdH), so that'll provide a convenient opportunity for dealing with the payments all at once.

18/10/2006

Joanne Mannion

From: Peter Mansfield
Sent: 18 December 2006 17:07
To: Linda McCausland
Subject: Re: document signatures

To Linda McCausland

Re: document signatures

Dear Linda

|| Could you please give me an update as to when you will be getting those documents back to us? That is to say the documents on 15819 that Frances sent you in August, and the documents on 15864 and 15865 that I sent you more recently, that needed your signature.

We will be having an update meeting with Philip Agg in the next couple of days, who will want to know when this will be completed.

I look forward to hearing from you.

Best wishes for Christmas and the New Year!

Peter

19/12/2006

Jaime Mannion

From: Peter Mansfield
Sent: 02 February 2007 17:57
To: Linda McCausland (linda.mccausland@aptuit.com)
Subject: Re: signatures! Ref: 15819 etc

To Linda McCausland

Re: signatures! Ref: 15819 etc

Dear Linda

I understand that you are currently in Europe and the UK (temporarily). If you are going to be anywhere near Oxfordshire in the next few days I would be happy to bring the papers over to you to make it easy for you to deal with the necessary signatures on the various documents that we are still waiting for. If that would be possible, please get in touch with me by e-mail or phone.

Look forward to hearing from you!

Best wishes

Peter Mansfield

IP Solutions
Fugro House, Hithercroft Road, Wallingford, Oxon., OX10 9RB
0870 402 1626

05/02/2007

IN THE MATTER OF UNITED STATES PATENT APPLICATION
Serial No. 11/571,718, McCausland, Linda Jane *et al.*

(File 15862)

ipsolutions

Fugro House
Hithercroft Road
Wallingford
Oxfordshire
OX10 9RB
United Kingdom
Tel: +44 (0)870 402 1614
Fax: +44 (0)870 402 1659
www.ip-solutions.biz

COURIER on 22 Dec 2006

SSCI Inc.
3065 Kent Avenue
West Lafayette
In 47906
USA

For the Attention of Linda McCausland

Reference: 15862 MdH ✓

Dear Linda

RE: SUGAR TREATMENT

I hope you have had an enjoyable break over the Christmas period and that you are enjoying the New Year.

... Here is the last set of forms for your signature. In this case it is only forms for the USA: a US declaration and a US assignment. And the assignment has been simplified so that no witness signatures are necessary.

Please sign both documents **on the same day**, and send them both back to me.

I am aware that Accentus will owe you £7 for the US and Canadian assignments for 15819 MdH, 15864 and 15865 MdH, and the US assignment for this case. Please tell me if you incur any further expenses (such as postage). And tell me if you'd rather we paid you in pounds or dollars, and I'll arrange for a cheque.

Best wishes.

Yours sincerely

Peter Mansfield

Monday 21 December 2006

ndX

Deunemayer

Stockport

Fax Only

South African grant

no.

Monday 22 December 2006

5862 ndH

Bill Holt

USA

letter faxed +
courier

letter and intl. pubn.
SA, UKSR, Citations
Request, Drugs, new
claims

5862 ndH

Deunemayer

Stockport

Fax Only
EP app no.

5866 ndX

HK grant no.

5886 ndH

OEI filing notification

PA75775/01

Feb. rev. decision

→ 5862 ndH

hinder McCausland

SSCI Inc.

USA

Courier

letter and. US assn.
+ US Doc. for sig.

5782 ndR

Corodinsky

Russia

Fax + Mail

letter re Office Action
and new figure

64

75/26

clerk Model

Spain

Fax + Mail

letter and. PoA +
Assn. dead

83

15910 MdX

Denneny & Co.
Stockport

Fax Only
Canadian app. no.

15912 MdX

Patent Office
Newport

Cost of Posting
F23/37 for Taiwan &
Malaysia, fee sheet
fe 287

✓ Thursday

19 January 2006

15380 LgCh

Air Mail
USA

Fax + Mail
Response to office
action

→ 15862 MdH

Hinda McCausland
USA

← Copy of published
PCT spec

N. Mervat
Dulcot

A J Brown
Reading

J. H. Smith
Pangbourne

→ 15865 MdH

Hinda McCausland
USA

← Copy of published
PCT spec

Martin Fennell
Ireland

IN THE MATTER OF UNITED STATES PATENT APPLICATION
Serial No. 11/629,894, McCausland, Linda Jane *et al.*

(File 15864)

ipsolutions

Linda McCausland
909 Windsor Drive,
West Lafayette,
IN 47906
USA

Fugro House
Hithercroft Road
Wallingford
Oxfordshire
OX10 9RB
United Kingdom
Tel: +44 (0)870 402 1614
Fax: +44 (0)870 402 1659
www.ip-solutions.biz

Our reference: 15864 and 15865 MdH

30.10.06

Dear Linda

THE GIBBSITE AND SILICA INVENTIONS

As I predicted would happen, the decision has been made to file patent applications for the other two inventions with which you were involved. I therefore enclose the two batches of papers for your signature. In each case the papers are as follows:

Brazil	Declaration (just needs your signature, with the date and place of signing)
ARIPO	Assignment (just needs your signature, with the date next to it)
Canada	Assignment (needs signature, and date and place of signing; and also a witness)
South Africa	Assignment (just needs signature and date)
USA	Combined Declaration (just needs signature and date)
USA	Assignment (needs signature, and date and place of signing; and two witnesses to sign and complete the information as indicated)

The two US forms must be signed (and dated) on the same day.

Please deal with these as soon as you can - and the earlier papers Frances sent you on 15819 MdH - and then return them all to me. Thank you very much. And please tell me if any costs are incurred, so I can ensure you are recompensed.

I look forward to hearing from you.

Yours sincerely

Peter Mansfield

15830 TPC	Dennemeyer + Co. Stockport	Fax Only EP Puba No.	
15838 MDR	Speer + Fisher Jersey	Fax Only letter re change of address of CTL	
15864 MDR	Corodinsky + Partners Rusien	Fax + Mail letter re grant + renewal fees. incl. PoA for Compact CTL	64

Monday 30 October 2006

→ 15864 MDR	Martin Fennell	Forms for signature	1.21 ←
→ 15865 MDR	Lickind		
→ " "	Linden McCausland USA	" "	2.31 ←

15869 MDR	Griffiths Hark Australia	Fax + Mail letter re exam report incl. amended claims + claims changing amendments	1.66
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15819 MDR	Dennemeyer Stockport	Fax Only Canadian appn. no.	
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Tuesday 31 October 2006

15895 TPH	Makala Adams, Wantage	UK pubn	44
	S. Braham, Wantage		44
	S. Duffy Oxford		44

✓ Wednesday 4 January 2006

15852 MxH

D. Kolbov

Birkenhead, Lancashire

Michaela Mike Feast, Eastleigh

David A. Zebadee, Lakes Heath

John H. White, London

158. Robin Ridgwick

Carl Seifeld Rownock

158. 21

Pub. PCT spec

093

2158 EP 121

David

→ 15864 MxH

Linda McClelland

USA

Martin Fennell, Ireland

Pub. PCT spec

158. 121

2158 EP 121

David

158. 121

Friday 6 January 2006

15919 LgH

Nabunuma + Partners

Japan

158. 121

158. 121

2158 EP 121

15146

Surface Enhancement Technologies Trade Marks due

15149 LgH

extension

for renewal

158. 121

158. 121

158. 121

2158 EP 121

15830 Tpcn

IPEA

EPO Munich

Fee + Courier

Letter end. Chapter II

Demand Form, New claims

+ Fee sheet + F1037

15552 LgH

Geoff Eckold

551.11

Novony PoA

158. 121

EPO

Munich

Letter end PoA

158. 121

Nabunuma + Partners

Japan

Fee + Mail

Request exam.

IN THE MATTER OF UNITED STATES PATENT APPLICATION
Serial No. 11/571,688, McCausland, Linda Jane et al.

(File 15865)

Linda McCausland
909 Windsor Drive,
West Lafayette,
IN 47906
USA

Fugro House
Hithercroft Road
Wallingford
Oxfordshire
OX10 9RB
United Kingdom
Tel: +44 (0)870 402 1614
Fax: +44 (0)870 402 1659
www.ip-solutions.biz

Our reference: 15864 and 15865 MdH

30.10.06

Dear Linda

THE GIBBSITE AND SILICA INVENTIONS

As I predicted would happen, the decision has been made to file patent applications for the other two inventions with which you were involved. I therefore enclose the two batches of papers for your signature. In each case the papers are as follows:

Brazil	Declaration (just needs your signature, with the date and place of signing)
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Canada	Assignment (needs signature, and date and place of signing; and also a witness)
South Africa	Assignment (just needs signature and date)
USA	Combined Declaration (just needs signature and date)
USA	Assignment (needs signature, and date and place of signing; and two witnesses to sign and complete the information as indicated)

The two US forms must be signed (and dated) on the same day.

Please deal with these as soon as you can - and the earlier papers Frances sent you on 15819 MdH - and then return them all to me. Thank you very much. And please tell me if any costs are incurred, so I can ensure you are recompensed.

I look forward to hearing from you.

Yours sincerely

Peter Mansfield

15830 TGR	Dennis Meyer + Co. Stockport	Fax Only EP Puba No.	
15838 MDR	Spoor + Fikes Jersey	Fax Only letter re change of address of CTL	
15864 MDR	Corodinsky + Partners Russia	Fax + Mail letter re grant + renewal fees. and. POA for Company CTL	64

✓ Monday 30 October 2006

✓ 15864 MDR	Martin Fennell	Forms for signature	121
✓ 15865 MDR	Leckard	"	
→ " "	Linda McCausland USA	"	231 ←

15849 MDR	Griffith Hark Australia	Fax + Mail letter re exam report and. amended claims + claims claiming amendments	166
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15819 MDR	Dennis Meyer Stockport	Fax Only Canada app. no.	
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Tuesday 31 October 2006

15895 TGR	Makela Adams, Wantage	UK puba	44
	S. Barton, Wantage		44
	C. Duffly Oxford		44
	J. Wainwright Grove		44

15910 MdX

Denninger & Co.
Stockport

Fax Only
Cancellation app. no.

15912 MdP

Patent Office
Newport

Cost of Posting
F23/77 for Taiwan &
Malaysia, fee sheet
fe 287



Thursday 19 January 2006

15980 LgCn

Bill Hault
USA

Fax + Mail
Response to office
action

→ 15862 MdH

Linda McCausland
USA

Copy of published
PCT spec →

N. Mervat
Didcot

A J Brown
Reading

I. H. Smith
Pangbourne

→ 15865 MdH

Linda McCausland
USA

Copy of published
PCT spec →

Martin Fennell
Ireland